Remarks

In view of the above amendments and the following remarks, reconsideration and further examination are requested.

The specification has been reviewed and revised to make a number of editorial revisions. A substitute specification has been prepared and is submitted herewith. No new matter has been added. Enclosed is a marked-up copy of the specification indicating the changes incorporated therein.

Claims 1-8 and 10-12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Applicants' admitted prior art (AAPA) in view of Roth (US 5,995,236). Claim 9 has been rejected under 35 U.S.C. §103(a) as being unpatentable over AAPA in view of Roth and further in view of Taylor (US 3,783,345) and Hörhold (US 4,308,085).

Claims 1 and 11 have been amended so as to further distinguish the present invention from the references relied upon in the rejections.

In addition, claims 1-12 have been amended to make a number of editorial revisions. These revisions have been made to place the claims in better U.S. form. None of these amendments have been made to narrow the scope of protection of the claims, nor to address issues related to patentability and therefore, these amendments should not be construed as limiting the scope of equivalents of the claimed features offered by the Doctrine of Equivalents.

Further, new claims 13 and 14 have been added.

The above-mentioned rejections are submitted to be inapplicable to the amended and new claims for the following reasons.

Claim 1 is patentable over the combination of AAPA and Roth, since claim 1 recites a check chip having a shape similar to that of a measuring sensor and a sensor body with at least one structural characterizing portion provided in a location where a user is considered to pick the check chip up, wherein the user loads the check chip in a measuring device while touching at least one structural characterizing portion of the check chip, the at least one structural characterizing portion allowing a user of the measuring device to recognize a difference from a correction chip, and the correction chip also having a shape similar to that of the measuring sensor and at least one structural characterizing portion on a portion of the correction chip where the user is considered to pick the correction chip up, the correction chip for correcting errors in the measuring device. The

combination of AAPA and Roth fails to disclose or suggest the check chip and the correction chip as recited in claim 1.

AAPA discloses a check chip and a correction chip that have similar shapes. (See Figures 7(a) and 7(b)). However, as indicated in the rejection, AAPA fails to disclose or suggest that the check chip has at least one structural characterizing portion allowing a user to recognize a difference from the correction chip. As a result, Roth is relied upon in the combination as disclosing this feature.

Roth discloses a blood analysis instrument 10 that utilizes a reagent stip 18 to perform blood analysis and a reflectance strip 20" for calibration purposes. The reagent strip 18 has a hole 19 therein, and a reagent pad 20 covering the hole 19. In one embodiment, the reagent strip 18 has a notch at a portion thereof that is placed in the instrument 10 during analysis. The reflectance strip 20" is illustrated as having a handle at a portion thereof that is not placed in the instrument 10 during calibration. (See column 5, lines 44-58 and Figures 10-14).

In the rejection, it is indicated that the handle portion of the reflectance strip 20" corresponds to the at least one structural characterizing portion of the check chip recited in claim 1. However, it is apparent that the reflectance strip 20" and the reagent strip 18 do not correspond to the check chip and correction chip recited in claim 1.

Claim 1 recites that the check chip: (1) has a shape similar to that of a measuring sensor and a sensor body with at least one structural characterizing portion provided in a location where a user is considered to pick the check chip up, (2) the user loads the check chip in a measuring device while touching at least one structural characterizing portion of the check chip, and (3) the at least one structural characterizing portion allows the user of a measuring device to recognize a difference from a correction chip, and that the correction chip (1) a shape similar to that of the measuring sensor and at least one structural characterizing portion on a portion of the correction chip where the user is considered to pick the correction chip up.

Comparing the above features of claim 1 with Roth, it is noted that claim 1 recites that both the check chip and the correction chip have shapes similar to that of the measuring sensor. However, Roth discloses the reagent strip 18, which corresponds to the measuring sensor, and the reflectance strip 20" which can only correspond to one of the check chip and the correction chip. Therefore,

Roth does not disclose or suggest differentiating the check chip and the correction chip with at least one structural characterizing portion as recited in claim 1.

Further, even assuming that the reagent strip 18 and the reflectance strip 20" generally correspond to the check chip and the correction chip recited in claim 1, only the reflectance strip 20" is illustrated as having a handle at a portion thereof that is not placed in the instrument 10. While the reagent strip 18 is illustrated as having the notch in one embodiment, the notch is clearly located on a portion of the reagent strip 18 that is inserted into the instrument 10 and not where a user would pick the regent strip 18 up. There is no disclosure or suggestion that the reagent strip 18 has at least one structural characterizing portion at a portion where a user is considered to pick the reagent strip 18 up. Therefore, Roth also fails to disclose or suggest that both the reagent strip 18 and the reflectance strip 20" have at least one structural characterizing portion provided in a location where a user is considered to pick the reagent strip 18 and the reflectance strip 20" up, respectively.

In light of the above comments, it is apparent that the combination of AAPA and Roth fails to disclose or suggest the present invention as recited in claim 1.

As for Taylor and Hörhold, these references are relied upon as disclosing embedding electronic components in high silica epoxy and silica in the form of a powder, respectively. However, neither of these references discloses or suggests the above-discussed features recited in claim 1.

As for claim 11, it is patentable over the references for similar reasons as set forth above in support of claim 1. That is, claim 11, like claim 1, recites a correction chip and a check chip each having a shape similar to that of a measuring sensor and at least one structural characterizing portion on a portion where a user is considered to pick the chips up, the at least one structural characterizing portion on the check chip allowing the user to recognize a difference from the correction chip, which features are not disclosed or suggest by the references.

Because of the above mentioned distinctions, it is believed clear that claims 1-14 are allowable over the references relied upon in the rejections. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of invention would not have been motivated to make any combination of the references of record in such a manner as to

result in, or otherwise render obvious, the present invention as recited in claims 1-14. Therefore, it is submitted that claims 1-14 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

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